

## REMARKS

### Remark 1:

Applicant has submitted SECOND REPLACEMENT SHEET(s) 9/10 and 10/10 herewith.

Applicant submits the amendments to the DRAWINGS render the Application allowable.

### Remark 2:

Applicant submits that amendments to the CLAIMS render the Application allowable.

In particular, the amendments to Claim 1 overcome the rejections based on 35 USC Section 112. Applicant confirms that the scope of the claim include the combination of the compartment, lid and pool. The amendments further correct any grammatical errors previously found in paragraph (b) of Claim 1.

The amendments to Claim 2 clarify the scope thereof, consistent with the scope of Claim 1.

The amendments to Claim 3 render the claim compliant with the enablement requirement of 35 USC Section 112. As will be appreciated by Examiner, the amendments to Claim 3 adequately claim the location and purposes of the L-shaped brackets which couple the modular lid sections together.

New Claim 6 further distinctly claims the subject matter which Applicant regards as his invention. In particular, the modular lid sections can be rigidly bolted together, thereby creating an overall, rigid, non-deforming composite beam-type structure for serving as a lid portion for an underwater enclosure.

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**Remark 3:**

Applicant hereby requests Examiner withdraw Conterno as prior art under 35 U.S.C. Section 102(a). Applicant has amended independent Claim 4 in order to overcome the rejections to Claims 4 and 5 based on prior art. The hinge element is a necessary and integral part of the pivoting edge. The hinge fixes the lid section to a rigid portion of the underwater enclosure. Conterno fails to teach of a hinged, pivoting edge. In fact, Conterno is not even directed to underwater enclosures.

**Remark 4: (NO NEW MATTER)**

Applicant submits that the corrections presented herein present no new matter. All of the devices, systems, methods and/or compositions claimed herein are taught in the Drawings, Specification, Claims and Abstract and other portions of the Application as originally filed.

**Remark 5: (REQUEST FOR TELEPHONIC OR IN-PERSON EXAMINER'S INTERVIEW)**

Applicant hereby invites and requests the Examiner to attempt to resolve any further defects, deficiencies, errors or other grounds of rejection or objection to the present application, either on a formal or informal basis, by Telephonic or In-Person Examiner's Interview under 37 CFR 1.133 (see also MPEP 713.01 et seq.). Attorney for Applicant(s) can be reached from 9:00 AM-5:00 PM Monday-Friday at telephone number 650-348-1444 or by fax to (650) 348-8655 or by e-mail at RKS@ATTYCUBED.COM.

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## CONCLUSION

Applicant respectfully submits that for all the foregoing reasons, the claimed subject matter describes patentable invention. Furthermore, Applicant submits that the specification is adequate and that the claims are in a condition for allowance. No new matter has been entered.

Applicant hereby respectfully requests Examiner to enter these amendments, find them descriptive of useful, novel and non-obvious subject matter, and authorize the issuance of a utility patent for the truly meritorious, deserving invention disclosed and claimed herein.

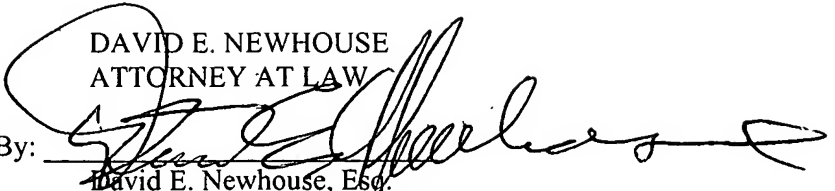
Without further, Applicant does not intend to waive any claims, arguments or defenses that they may have in response to any official or informal communication, paper, office action, or otherwise, and they expressly reserve the right to assert any traverse, additional grounds establishing specificity and clarity, enablement, novelty, uniqueness, non-obviousness, or other patentability, etc.

Further, nothing herein shall be construed as establishing indirectly the basis for any prosecution history, file wrapper estoppel, or similar in order to limit or bar any claim of infringement of the invention described herein, either directly or under applicable doctrine of equivalents.

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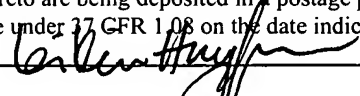
Respectfully submitted,

Dated: February 24, 2006

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Attorney for Applicant(s)

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**CERTIFICATE OF MAILING**

I hereby certify that this paper and the documents attached hereto are being deposited in a postage prepaid, sealed envelope with the United States Postal Service using First Class Mail service under 37 CFR 1.08 on the date indicated and is addressed to "Commissioner for Patents, Virginia 22313-1450". Signed:   
Date Mailed: February 24, 2006

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App. Data	Transaction History	Image File Wrapper	Continuity Data	Foreign Priority	Published Documents	Publication Dates	Address & Attorney/Agent
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	12-05-2005	Mail Final Rejection (PTOL - 326)					
	11-28-2005	Final Rejection					
	09-14-2005	Date Forwarded to Examiner					
	09-09-2005	Response after Non-Final Action					
	09-09-2005	New or Additional Drawing Filed					
	09-09-2005	Request for Extension of Time - Granted					
	09-09-2005	Reference capture on IDS					
	05-06-2005	Mail Non-Final Rejection					
	05-03-2005	Non-Final Rejection					
	12-20-2004	Preliminary Amendment					
	12-20-2004	Workflow incoming amendment IFW					
	08-25-2004	IFW TSS Processing by Tech Center Complete					
	08-25-2004	Case Docketed to Examiner in GAU					
	04-26-2004	Application Return from OIPE					
	04-26-2004	Application Return TO OIPE					
	04-26-2004	Application Return from OIPE					
	04-27-2004	Application Is Now Complete					
	04-26-2004	Application Return TO OIPE					
	04-26-2004	Application Return from OIPE					
	04-27-2004	Application Is Now Complete					
	04-26-2004	Application Return TO OIPE					
	04-26-2004	Application Dispatched from OIPE					
	04-27-2004	Application Is Now Complete					
	03-04-2004	Cleared by OIPE CSR					
	02-07-2004	IFW Scan & PACR Auto Security Review					
	01-14-2004	Initial Exam Team nn					

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Application Number:	10/758,149	Customer Number:	-
Filing or 371 (c) Date:	01-14-2004	Status:	Final Rejection Mailed
Application Type:	Utility	Status Date:	12-05-2005
Examiner Name:	JOHNSON, BLAIR M	Location:	ELECTRONIC
Group Art Unit:	3634	Location Date:	-
Confirmation Number:	5760	Earliest Publication No:	US 2004-0149397 A1
Attorney Docket Number:	DEN-1693.20	Earliest Publication Date:	08-05-2004
Class / Subclass:	160/133	Patent Number:	-
First Named Inventor:	Harry Last , Kailua, HI	Issue Date of Patent:	-
Title of Invention:	Modular lid and actuator for underwater pool cover drum enclosure		

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